

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

KRYSTAL SMITH

PLAINTIFF

VS.

CIVIL ACTION NO. 3:05CV271-WHB-JCS

BLUE CROSS & BLUE SHIELD  
OF MISSISSIPPI

DEFENDANT

OPINION AND ORDER

This cause is before the Court on Plaintiff's Motion for Attorney's Fees and Costs, which was filed with the Clerk of the Court on April 21, 2006, under docket entry no. 28. Through this Motion, Plaintiff seeks an award of attorney's fees and costs for her successful efforts in responding to Defendant's Motion for Summary Judgment. In support of her position, Plaintiff relies on XL Specialty Ins. Co. v. Bollinger Shipyards Lockport, LLC, 76 Fed. App'x 536 (5th Cir. 2003) and Sheets v. Yamaha Motors Corp., U.S.A., 891 F.2d 533 (5th Cir. 1990). Plaintiff has misconstrued the holdings in these cases. She is not entitle to attorney's fees and costs merely because she prevailed in overcoming Defendant's Motion for Summary Judgment. The Motion is HEREBY DENIED.

SO ORDERED this the 4th day of May, 2006.

s/ William H. Barbour, Jr.  
UNITED STATES DISTRICT JUDGE

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